

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04cr250

UNITED STATES OF AMERICA

vs.

TRACY LYNN PETTY (5)

ORDER

THIS MATTER is before the Court upon motion of counsel for the defendant asking that he be allowed to withdraw from further representation of the defendant. (Doc. No. 356). The defendant, pro se, has also filed a letter motions for counsel inquiry (Doc. No. 357) and to withdraw her guilty plea (Doc. No. 367).

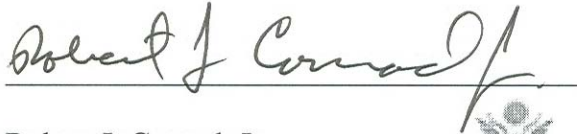
Counsel for the defendant informs the Court that a grievance has been filed against him on behalf of the defendant with the Mecklenburg County Bar Association. Counsel believes the grievance creates a personal conflict of interest with his client that prevents further representation. Thus, the Court finds that the circumstances alleged in the instant motion establish total lack of communication which prevents an adequate defense. United States v. Mullen, 32 F.3d 891 (4th Cir. 1994).

IT IS, THEREFORE, ORDERED that the motion of counsel for the defendant (Doc. No. 356) is **GRANTED** and the Community Defender shall designate new counsel promptly. The defendant's letter motion for counsel inquiry (Doc. No. 357) is **DENIED** as moot and her motion to withdraw her guilty plea (Doc. No. 367) is **DENIED** without prejudice to be re-filed by

new counsel if deemed appropriate.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, the Community Defender, and to the United States Attorney.

Signed: January 13, 2006

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line. The signature is cursive and includes a large, stylized flourish at the end.

Robert J. Conrad, Jr.
United States District Judge

